

**FREDERICK COUNTY  
DEVELOPMENT REVIEW OUTREACH MEETING  
Session # 42  
30 North Market Street, Training Room  
January 23, 2009**

**MEETING MINUTES**

**Prior Meeting Minutes:** Minutes from the previous meeting and the current agenda were available to the group. These items will also be posted on the website ([www.frederick.co.md](http://www.frederick.co.md)) for this and subsequent meetings. NOTE: These minutes follow the agenda as distributed; open discussion items are included at the end of these minutes.

**Staffing:** Betsy Smith provided an update on our staffing issues, including the effect of the hiring freeze on DPDR as follows:

- Director, Planning – Vacant until filled.
- Environmental Planner – This position was filled by Mike Wilkins.
- Engineering Manager – Frozen.
- Planner I – Frozen.
- Principal Planner - Frozen.

**FRO Update:** Three documents were provided to the group:

1. December 18, 2008 Memorandum regarding FRO and Remainder Exemptions
2. January 22, 2009 Memorandum regarding FRO Exemption Form Updates – Attachments:
  - Form – Intrafamily Transfer
  - Form – Real Estate Transfer
  - Form – Single Lot
  - Form – Active Agricultural Activities
3. Draft FRO Memorandum regarding Complete Plat Submittals - Revised

Intrafamily Transfer was discussed: Recipient must be at least 18 years of age or a Trust, may be explained in a cover letter; transfer within 60 days of plat recordation; the intent of the exemption is to transfer a lot to another family member (owner, child or grandchild, only) for their dwelling.

Real Estate Transfer was discussed: No change in land use or new development proposed – a proposed well or septic field would be considered a change in use; one individual may have multiple exemptions

Agricultural Activity Form was discussed: No minimum lot size; the minimum that would require mitigation is 3 acres; within that 3 acres there may or may not be farming activity

Draft FRO Memorandum was discussed: Per the Code, FRO has to come in with the plat; for a well or septic project, a partial FRO will be accepted and will not have to be resubmitted until

the percs and wells have been approved; alternate perc sites may be designated on the partial FRO.

The group still wanted to know why they couldn't perc first and then submit a plan – they feel that the Code allows it, maybe explore why the Planning Board has to approve the subdivision before the Health Department percs.

Additional FRO discussion:

- FRO for Towns/Municipalities – Frederick County reviews FRO for: Brunswick, Rosemont, Woodsboro, Walkersville, Burkittsville, and Thurmont.
- FRO is required for CIP projects.
- Specimen Trees – removal has to be justified - >30" twin tree that V's under 4' is not considered specimen, but if it V's at 4', it is a specimen tree
- The FRO worksheet is for net tract area; any forest in the net tract that is not in an easement is considered to be cleared

**Stormwater Management MD 2007:** The link to the MDE website that contains the revised regulations is:

<http://www.mde.state.md.us/Programs/WaterPrograms/SedimentandStormwater/swm2007.asp>

Betsy stated that there was a great deal of technical comments made during the public review period. The State has informed us that the adoption of the regulations has been delayed. The regulations will increase environmental restrictions and encourage low impact development. Since the State has not addressed grandfathering provisions, she recommended status quo for current projects.

Betsy provided additional insight into the proposed new regulations: As currently proposed they require that we look at more than just forest resources in the concept phase. All natural resources will need to be identified. At least 3 plans will be required, with much more of the detail up front (i.e. Natural Resources Inventory); the group wondered which professionals would be able to certify plans; it appears that a Geotechnical Engineer may need to be involved with the project earlier in the process, but this has not been clarified in the proposed regulations; and we may need to totally revise some of our processes, Codes (Subdivision Regulations and others) and the processes of other agencies to accommodate the new regulations. She also asked for any input in this regard.

**APFO Update:** Ron Burns provided the group with an update on the proposed APFO Ordinance:

- The Schools portion went to worksession in October 2008, and again in January 2009, and can be viewed on-line; Emergency Services has not yet been scheduled; and Roads was presented to the FCPC in December, 2008. (See attached Memorandum) and the draft text amendment will go to the BOCC on February 24, 2009
- Ron stated that the new approach for roads emphasizes concurrency – that when the development opens day 1, the roads are adequate and remain adequate for the duration of the project.

- The escrow system is less desirable as the window for road improvements was too wide and some of the larger developments only contributed their fair share, rather than make actual improvements
- The APFO is not meant to be necessarily fair – if the County and State funds don't materialize, it falls back on the developer; we will be narrowing the study areas focusing on frontage and marginally failing areas; background traffic should be less with "concurrency".
- Some exclusions are being amended; interchange ramps would now be included; some schools may no longer be excluded; and any development with 5 or less peak hour trips would be excluded.
- Requirement for rural area roads will change to level of service (LOS) B (from C) for signalized intersections and roundabouts.
- Analysis techniques will change – in the past we have used signals, now will consider corridor speed; will be looking at the functional capability of roads by rating them using a rating system similar to the one Anne Arundel County uses
- Mitigation package – Travel Demand Management (TDM) will be more flexible
- In-house Traffic Study – Consultant's retained by the County will prepare the traffic study; applicant will have input, at minimum, at:
  - a. the scoping meeting when all the elements are defined
  - b. the end of the study; the developer (and independent consultant, if applicable) will meet with the County to assess the results and discuss mitigation needs
  - c. the FCPC meeting
- Escrow Accounts: existing accounts will remain until fully funded; proposed escrow will be reserved for small developments with limited impact and will allow subsequent developers to be responsible to reimburse developers who actually construct the improvement
- Test Years (length of APFO approval) – this will likely change, would have less emphasis on acreage and more on the number of dwelling units with the same time frame, but 15 years has also been mentioned with additional years added for additional dwelling units
- April/May 2009 approval is the goal
- Grandfathering has not yet been determined
- Minor Residential is still exempt for the roads portion of APFO
- Some schools (high schools) may not be exempt but may have different thresholds

**Sight Distance Evaluations:** The final form was provided to the group. It was agreed that the consultant could refer to the plan for the vicinity map and sketch requested on the form. As this is a new form, any concerns or comments should be shared with staff

**Customer Service Counter:** Betsy again requested that customers share with us any problems or concerns as they arise. A drop-off box is located at the Customer Service Counter - items for drop-off must not have any outstanding fees and there must not be payment for fees in the package.

**Hansen Reports:** The group was reminded that Projects are different than Permits – may want to call one of the Techs to have comments e-mailed or faxed to ensure that the reports are complete.

**Submittal Schedules:** The group was provided with the 45,60, and 90 day review submittal schedules for FCPC

**Maps:** The group was informed that maps and GIS products are available through Christine Graham at 30 North Market Street. She may be reached at 301-600-6750 or [cgraham@fredco-md.net](mailto:cgraham@fredco-md.net) if you wish to make a purchase, or on the County website.

**ECS Updates:**

- The group was reminded that at this time, the Applicant is responsible for tracking their SWM renewal date. Staff is working on changes to this process, as well as formal documents to address the same.
- At present, there are no exemptions from renewal fees. Betsy is working on a brief to be presented to the BOCC that will address this issue. Policy will be recommended but Code changes will be necessary.
- Staff has included options that the BOCC consider making the new fee schedule retroactive.
- For questions regarding renewal fees, contact Rhonda Greenholtz at 301-600-1132 or [rgreenholtz@fredco-md.net](mailto:rgreenholtz@fredco-md.net)

**Open Discussion:**

- The group requested that Open Discussion take place while Gary Hessong is still in attendance.
- It was requested that since SCD approvals were good for 2 years that the County consider making the permit good for 2 years.
- It was suggested that since sediment control measures are in place and were inspected, the bonding amount should be for the removal only.
- At the last meeting there was lengthy discussion regarding the fact that Life Safety and County Code do not agree regarding common driveway widths. Betsy stated that she and Bryon Mitchell still have not met to come up with a protocol to address both road adequacy and common driveway width and get a final resolution on this.

**NEXT MEETING: Friday, April 24, 2009.**